



10-CV-01674-AF

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FIDENCIO RODRIGUEZ HERNANEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C10-1674-JLR
(CR09-414-JLR)

**ORDER DENYING § 2255
MOTION**

The Court, having reviewed petitioner's motion under § 2255, the Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2255 motion is **DENIED** and this case is **DISMISSED** with prejudice;
- (3) Petitioner is **DENIED** issuance of a certificate of appealability; and
- (4) The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 3rd day of Dec, 2010.

JAMES L. ROBART
United States District Judge